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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND COMPLIANCE COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA

MONDAY, JULY 14, 2008

1:38 P.M.

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CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 13061

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chairperson

Ms. Cheryl Peace

Ms. Margo Reid Brown

BOARD MEMBERS

Wesley Chesbro

STAFF

Mr. Elliot Block, Chief Counsel

Mr. Mark de Bie, Division Chief, Permitting & LEA Support
Division

Ms. Margie Comotto

Ms. Donnell Duclo, Executive Assistant

Mr. Jim Lee, Branch Manager, Tire Facilities Operations
and Evaluation Branch

Mr. Wes Mindermann, Supervisor, Solid Waste & Tire
Clean-up Programs

Ms. Rubia Packard, Assistant Director

Mr. Ted Rauh, Program Director, Waste Compliance &
Mitigation Program

Ms. Virginia Rosales

Ms. Georgianne Turner, Branch Manager, MSW Facilities
Operations and Evaluation Branch

Mr. Troy Weber

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APPEARANCES CONTINUED

ALSO PRESENT

Mr. Paul Hamilton, Department of Fish and Game

Mr. Chuck Helget, Allied Waste

Mr. Terry Leveille, TL & Associates

Ms. Jana Nairn, Golden By-Products

Mr. Wayne Tsuda, Sunshine Canyon LEA

Mr. Dave Vaughn, Yuba-Sutter Disposal, Inc., Integrated
Waste Recovery Facility

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1 PROCEEDINGS

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3 CHAIRPERSON MULÉ: Good afternoon, everyone.

4 Welcome to the July 14th meeting of the Permitting
5 and Compliance Committee. We have agendas in the back of
6 the room on the table, and also, if you would like to
7 address the committee, I ask that you fill out a form and
8 bring it up to Donnell, and you will have an opportunity
9 to do so.

10 In addition, I would like to request that everyone
11 either turn off or put in silent mode your cell phones and
12 pagers. Thank you.

13 Donnell, would you please call the roll.

14 EXECUTIVE ASSISTANT DUCLO: Brown?

15 MEMBER BROWN: Here.

16 EXECUTIVE ASSISTANT DUCLO: Peace?

17 MEMBER PEACE: Here.

18 EXECUTIVE ASSISTANT DUCLO: Mulé?

19 CHAIRPERSON MULÉ: Here.

20 Do we have any ex partes?

21 MEMBER BROWN: No.

22 CHAIRPERSON MULÉ: Up-to-date. Good.

23 Okay. Let's move right into your program
24 director's report.

25 Good afternoon, Ted.

1 PROGRAM DIRECTOR RAUH: Thank you, Chair.

2 Have to get off to a good start with our report.

3 Good afternoon, Chair Mulé and Members, I'm Ted
4 Rauh, the Waste Compliance and Mitigation Program
5 Director.

6 And with that, I will launch into just a few items
7 I wanted to bring to your attention.

8 First, the latest version of SWIS is about to make
9 its way onto the Board's Web pages. And this update will
10 include scanned documents or electronic transmitted
11 documents for all the appropriate records. That would
12 include permits and enforcement documents as well as
13 inspection reports.

14 We're currently finishing up the last round of
15 ties with the ongoing Web search capabilities that the
16 Board uses, and I expect those to be completed in two
17 weeks, so I think by the end of the month, this new
18 upgrade will be available and a help to all those that are
19 interested in the facilities that the Board is involved
20 with.

21 Also, I would like to mention just a quick update
22 on the streamlined Tire Enforcement Penalty Program that
23 the Board authorized the staff to engage in. We are
24 moving forward with that at this time. The Legal Office
25 and staff have concluded the development of the

1 appropriate orders and letters. Seven have actually gone
2 out to violators at this point, with about another 40 in
3 the queue, so we are trying to knock those out as quickly
4 as possible, and I'm sure by the next Board meeting, we'll
5 have some results of how they are accepted by the
6 regulated community.

7 In terms of the -- another important area I wanted
8 to mention, and also give kudos to Member Peace, is her
9 efforts to help us with San Diego County. We've been
10 trying to get San Diego County to join the Tire
11 Enforcement Grant Program, as you know, for years. There
12 are over 500 facilities associated with San Diego County
13 that heretofore have not been under a local program for
14 control and will bring overall state's numbers up
15 substantially this next grant cycle. And through her
16 efforts and I think the efforts of the Board to make some
17 program improvement, they have notified us that they do
18 intend to submit a grant application in the next round.

19 So thank you again for your help.

20 MEMBER PEACE: You're welcome, but thank staff too
21 because they came down, I guess, and gave a wonderful
22 presentation to the County.

23 PROGRAM DIRECTOR RAUH: We'll pass that on. Thank
24 you.

25 On newsprint, I have some interesting news to

1 report. We have completed the review of some 132 of those
2 individual -- those companies and firms that are required
3 to achieve a 50 percent or greater use of recycled
4 newsprint and paper. Those numbers have been trending
5 higher and higher each year.

6 This year, we did achieve 56 percent compliance.
7 That's down from 68 percent -- actually, when I say
8 "compliance," that's really not true. What I should --
9 they are all achieving compliance, but the rate of
10 recycled product used was 56 percent. And in '07, it had
11 been at that 68 percent in '06. And the reason for the
12 slight downturn is because of increasing markets for the
13 same product outside of the state of California. And
14 we'll be producing, with the help of sustainability, a
15 report in the coming month or so that will identify all
16 those trends and the results of this review. And it will
17 be posted on the Board's Web site.

18 Certainly, in our minds are the current fires --
19 have raged and continue to rage through the state. The
20 governor's latest executive calls on the Board and other
21 Cal/EPA agencies to provide the maximum amount of support
22 that we can to the affected counties and communities. And
23 we, of course, continue to participate with Cal/EPA in a
24 number of different activities to both plan for and
25 provide assistance to local governments. This week, we

1 hope to be meeting with the county executive officer for
2 Butte County to help them plan for debris removal, and we
3 made those same efforts to all the affected communities
4 across the state.

5 There are some -- with the current budget
6 situation, the California Disaster Assistance Act is
7 currently inoperable from a standing funding standpoint as
8 it was last year at this time. Some of the fires have
9 qualified for FEMA funding, and, of course, we're
10 providing the results of our experience with FEMA as well.

11 There have been some animal mortalities as a
12 result of the heavy -- the high temperature and the bad
13 air across the state. So far, the systems that have been
14 put in place by the emergency regs by the Board are
15 working well. We're aware of one 10,000-bird kill, and
16 that's been handled effectively under existing waste --
17 waste management permit.

18 But we will be reissuing our emergency information
19 package through the Web site as an all LEA e-mail and get
20 it in the hands, keep that information fresh, so that
21 appropriate decisions can be made.

22 The last area I wanted to comment on, quickly, is
23 the landfill gas regulations. As you know, the landfill
24 gas monitoring well regulations were adopted by the Board
25 last April. They completed the Office of Administrative

1 Law process in September, and, of course, that would mean
2 that the year that the Board provided for compliance will
3 be up this September, mid-September, actually about the
4 21st.

5 What we're finding is that the level of submittals
6 at -- to the LEAs, the process goes as follows: The
7 operator assesses their existing monitoring program and
8 prepares a program to comply with the standards; submits
9 that to the LEA for review; and then it comes to the Board
10 for concurrence.

11 At this point, just a little over 60 days before
12 compliance, the Board has only received approximately 20
13 plans for review and concurrence. The regulations give us
14 60 days, which means that we're fast approaching the point
15 where we'll have to be quicker than 60 days to get these
16 plans through.

17 In meeting with CCDEH last week, we find that
18 there's a fair amount of consternation amongst LEAs as
19 well, and that there doesn't seem to be the plans flowing
20 in at a rate that was expected. We're working with the
21 LEA community now to get a better handle on that, and
22 thinking this might happen, staff released a frequently
23 asked questions document. We've been working with LEAs
24 through the summer to encourage every effort they can
25 make, to make sure that the regulated community is

1 submitting these documents.

2 So, so far, it's not looking that good that we
3 will not have some compliance issues coming up in the
4 fall. We're certainly committed to continue working with
5 all the parties involved. We have a meeting set later
6 this week with some of the major stakeholders to talk
7 about what their experiences are, and we continue to meet
8 and talk with LEAs to facilitate that process as well.

9 So we got our finger on the pulse. We're doing
10 everything we can, from our perspective, to help everyone
11 get through this process.

12 CHAIRPERSON MULÉ: Ted, I have a question for you
13 on that. The -- my understanding is, is that an operator
14 can apply to the LEA for a variance, or an extension, or
15 something to that effect?

16 PROGRAM DIRECTOR RAUH: Well, there are provisions
17 in the regulations that are exceptions to the standard
18 compliance.

19 CHAIRPERSON MULÉ: Right.

20 PROGRAM DIRECTOR RAUH: Those are generally
21 submitted to us for review. We set up a special handling
22 process within the Board staff to make sure that those
23 immediately go to an engineering geologist or engineer so
24 that they can be looked at.

25 We follow up with a site inspection and work with

1 the operator directly if they are proposing to utilize one
2 of the exceptions that is different than a straight
3 compliance approach.

4 CHAIRPERSON MULÉ: So have we received any
5 applications?

6 PROGRAM DIRECTOR RAUH: The 20 that we've received
7 so far -- that's an approximate number; I don't have an
8 exact number -- are all requesting some form of exemption,
9 or "exemption" is the wrong term. Maybe Mark can step in
10 here and keep me on the straight and narrow.

11 DIVISION CHIEF DE BIE: Mark de Bie with Waste
12 Compliance.

13 The term in relations is alternative. So for
14 example, the regulations require a monitoring probe every
15 thousand feet, so if you want to do it more than a
16 thousand feet, you can request an alternative to that.
17 There's depths and other areas that you can request an
18 alternative to. There is no alternative or waiver or
19 mechanism to extend the time frames though. Those were
20 just the particulars of how you want to comply with the
21 requirements.

22 CHAIRPERSON MULÉ: Right. So everyone should have
23 submitted something, or should be within the next 60 days.

24 PROGRAM DIRECTOR RAUH: That's correct, because
25 they really had more than a year, when you think about it.

1 I mean, you adopted the regulations in April. And then
2 the OAL process took nearly six months to complete.

3 But the community, regulated community, was well
4 involved in this regulatory process. So there wasn't any
5 expectation of a change in the technical requirements of
6 the regs.

7 CHAIRPERSON MULÉ: Thank you.

8 PROGRAM DIRECTOR RAUH: That completes my report.

9 Thank you very much.

10 CHAIRPERSON MULÉ: Okay. Thank you, Ted.

11 Any questions for Ted?

12 And I would like to recognize Board Member

13 Chesbro. Thank you for being here today.

14 Let's move into our agenda then. Committee Item

15 B.

16 Ted?

17 PROGRAM DIRECTOR RAUH: Yes. Thank you.

18 This item is consideration of a revised full solid
19 waste facility permit for transfer processing facility
20 operations for the Yuba-Sutter Disposal, Inc., integrated
21 waste recovery facility in Yuba County.

22 I would like to indicate that as you look through
23 this item, you see a number of violations.

24 However, many of those violations, certainly most
25 of those in the past three years, are due to operational

1 changes that the operator is proposing to make as part of
2 this permit, which would remove those as an ongoing source
3 of violation.

4 Here to present the item today is Margie Comotto.
5 This is her first presentation, and she will not only do
6 this one, but the next one as well.

7 CHAIRPERSON MULÉ: Good afternoon, and welcome.
8 We're harmless.

9 MS. COMOTTO: Thank you. Good afternoon, Madam
10 Chair and Board members.

11 Yuba-Sutter Disposal Inc., integrated waste
12 recovery facility is a transfer processing facility
13 located in Yuba County. The YSDI facility has been in
14 operation since 1991 and is located approximately 2 miles
15 northeast of the intersection of Highway 20 and 70.

16 The surrounding land use is industrial and
17 agricultural including closed landfills to the south and
18 north. This facility serves as a collection processing
19 and transfer point for waste for residences and businesses
20 in Yuba and Sutter Counties and outlying areas.

21 There are no residences within 1,000 feet of YSDI.
22 The facility currently operates under a transfer
23 processing permit. The new permit would allow the
24 facility the permitted maximum tonnage to be increased
25 from 1,080 to 1,870 tons per day. The permitted traffic

1 volume will increase from 560 to 975 vehicles per day.
2 And the transfer processing report will accurately
3 describe the current operations. This would include
4 redesignating the use of the bunker south of the
5 integrated waste recovery facility to allow for the
6 management of additional recyclables including but not
7 limited to construction and demolition-type debris,
8 addition of universal waste, addition of used oil and
9 drained oil and fuel filters, and addition of new
10 handling, training, recordkeeping, and weight reporting
11 procedures for treated wood waste to comply with the new
12 California Department of Toxic Substances control
13 requirements.

14 A mitigated negative declaration was approved by
15 the City of Marysville Planning Commission on February 27,
16 2008, and filed with the State Clearinghouse on
17 February 28, 2008.

18 Board staff recommends the mitigated negative
19 declaration cited above as adequate for the Board's
20 environmental evaluation of the proposed project for those
21 project activities which are within the Board's expertise
22 and/or powers or which are required to be carried out or
23 approved by the Board.

24 On June 30th, 2008, CIWMB enforcement staff, in
25 conjunction with the LEA, conducted a pre-permit

1 inspection of the facility. One violation of Public
2 Resources Code 44004 for significant change and compliance
3 with terms and conditions of the permit was noted. This
4 violation was also noted by the LEA in inspections from
5 2006 through February 2008. Issuance of the revised
6 permit would eliminate this violation.

7 In addition, one violation of state minimum
8 standards was noted by CIWMB enforcement staff for Title
9 14, CCR Vector, Bird, and Animal Control. The vector
10 control violation was due to the attraction and harborage
11 of rats in a MSW contaminated glass storage area. On
12 July 8, 2008, CIWMB staff conducted a reinspection of the
13 facility and found the facility in compliance with the
14 vector control standards.

15 The operator had completely removed the pile of
16 MSW contaminated glass which had attracted rats, and also
17 pointed out several newly placed rat traps throughout the
18 facility. No rodents were observed during the
19 reinspection nor was there conditions that would attract
20 rats. The operator has made significant effort to
21 mitigate this problem since the June 30, 2008, inspection.

22 Board inspection staff are here today if you have
23 questions regarding the pre-permit inspection on
24 June 30th and the follow-up inspection on July 8th.

25 Board staff have determined that all requirements

1 for the proposed permit have been fulfilled. Staff
2 recommends that the Board adopt Board Resolution 2008-116
3 approving the issuance of the solid waste permit.

4 This concludes staff's presentation.

5 I would be happy to answer any questions you may
6 have.

7 Deborah Beerstucker [phonetical], the LEA for
8 Yuba-Sutter, Troy Weber of CIWMB Inspections and
9 Enforcement, and representatives of Yuba-Sutter Disposal
10 Integrated Waste Recovery Facility are also here to answer
11 any questions.

12 Thank you.

13 CHAIRPERSON MULÉ: Thank you, Margie. Appreciate
14 it.

15 Did we have any questions for staff on this item?
16 Board Member Peace?

17 MEMBER PEACE: First, I just want to thank the LEA
18 for being so conscientious and actually submitting this
19 permit in a time frame that allowed the Board the full 60
20 days for review. I think we really appreciate that, so
21 thank you.

22 Also, while I am looking at this permit, it was
23 the traffic control and significant change issues that
24 were year after year after year, and from what I
25 understand, we needed to change the traffic flow actually

1 to make it safer, because the area was growing and needed
2 to relieve congestion, so it actually was a good thing
3 that they did this. I guess it's just kind of frustrating
4 to see that it takes so many years for something like, you
5 know, the revision and permit process. It's just kind of
6 frustrating for the operator as well as the Board to see
7 that something like that takes so darn long to accomplish.

8 And I was going to ask you about the reinspection
9 for the rat problem. Was that reinspection done during
10 the day or at night? Do you know?

11 MS. COMOTTO: I can have Troy Weber come up, and
12 he was at the reinspection.

13 MR. WEBER: The inspection was taken place about
14 midday.

15 MEMBER PEACE: I'm just curious in terms of for
16 LEAs and for our staff. Do we ever do any inspections at
17 night or around dusk, or are they all done during the day?
18 Do we ever do any inspections during off hours? The only
19 reason I ask is I know rat problems can really be more of
20 a problem when the sun starts to go down when it's
21 nighttime, than during the day.

22 PROGRAM DIRECTOR RAUH: I think our typical
23 inspection begins half an hour or so before the facility
24 opens, because we want to be there when the trucks,
25 actually to see if there's any staging or trucks outside

1 the facility. And typically, depending on the facility,
2 we'll stay there until they close as well.

3 So with that -- with that in mind, we're certainly
4 there early enough that if -- even though these are
5 nocturnal animals, if they are scurrying around, we are
6 going to see them as we get in the facility. So it's not
7 just a noon kind of thing. We get there for the whole
8 9 yards.

9 MEMBER PEACE: Okay. Thank you.

10 CHAIRPERSON MULÉ: Chair Peace -- or Brown.

11 MEMBER BROWN: So let me ask you, why wouldn't we
12 have done it really early rather than midday, because the
13 violation was first thing in the morning. I mean, I know
14 it's a problem. It was something that was reinspected
15 just last week. Why wouldn't we do the inspection --

16 BRANCH MANAGER TURNER: This is Georgianne Turner
17 of the -- the branch manager for that section.

18 Quite frankly, it was a workload issue, and I also
19 accompanied our inspector because I was concerned about
20 this issue. Certainly, if I saw issues that were
21 concerning to me, we would have been back out there in the
22 morning, but the operator had sent a lot of documentation
23 showing they were very proactive on this, and that was
24 demonstrated during our inspection.

25 MEMBER BROWN: Okay. So the issue relative to

1 where they were concentrated in the fines area covered,
2 was that addressed or were we just looking at the vector
3 control plan?

4 BRANCH MANAGER TURNER: No. That area was also
5 addressed, so we looked at the whole facility for vector
6 issues, and the specific area where that material was
7 placed in the prior inspection.

8 MEMBER BROWN: Has there been any changes to the
9 way the material is being stored or utilized or how
10 frequently it's being removed from the grounds?

11 BRANCH MANAGER TURNER: My discussions with
12 operator indicated that they would be increasing the
13 frequency of the removal of that material to meet the
14 48-hour removal frequency of solid waste at the site,
15 because of the nature of the material.

16 MEMBER BROWN: And you are satisfied that that
17 will help address the vector issue?

18 BRANCH MANAGER TURNER: Yes. I think that it was
19 definitely a removal issue and that it contributed to the
20 vector problem.

21 MEMBER BROWN: Okay. Because, you know, I hadn't
22 seen, before last week, a picture of where the vector
23 control problem originated. And when I did see it, I was
24 quite surprised with the appearance of the material that
25 was in that area. So you know, as long as you are

1 satisfied that that material is being moved in a manner
2 that's appropriate and time framed to help address the
3 issue of state minimum standards violations, then I'm
4 fine. But I just -- you know, I was quite surprised with
5 the photo of the location, that I had not seen prior to
6 this week.

7 BRANCH MANAGER TURNER: Yes. I was too. And I
8 think this is the nature of -- you know, this is what
9 makes our industry interesting and fun is that we're
10 always seeing new things, and this material is being
11 recycled, which is a wonderful thing, but it still is
12 mixed waste. And I think there was a little confusion on
13 being able to recycle that material versus the removal
14 frequency.

15 So I think we've straightened that out with the
16 operator and certainly our correspondence will be very
17 clear or our inspection report that we will require this
18 in the future on subsequent inspections that we might do.

19 MEMBER BROWN: Okay. Thank you very much.

20 CHAIRPERSON MULÉ: I had some questions too on the
21 vector issue, and I was just wondering if someone can come
22 up and explain to the committee what your vector control
23 plan is.

24 Is there someone, either the operator or the LEA?
25 Someone?

1 Could you state your name for the record, please.

2 Thank you.

3 MR. VAUGHN: Good afternoon. Dave Vaughn, general
4 manager for Yuba-Sutter Disposal, Incorporated. Good
5 afternoon.

6 There is -- included in our TPR, this is a vector
7 control plan, which talks about the levels and numbers of
8 service.

9 CHAIRPERSON MULÉ: Well, actually, I have a copy
10 of the TPR here with me and it doesn't exact -- it just
11 says "regularly," so could you describe specifically what
12 your vector control plan is for us.

13 MR. DAVIS: The vector control plan is a minimum
14 of monthly inspections from a preferred vendor who handles
15 that type of pest. And so when we see an issue arise
16 where there's more vectors, we bring them in on call, so
17 it's no less than monthly and then more, and then after
18 inspection with the state, we actually increase that
19 weekly and are keeping weekly on for at least the next
20 three to six months until we ensure that there are no
21 vector issues.

22 You know, we changed the process of handling the
23 glass. We no longer store it in that area and we
24 recognize the issue. So we increased that frequency to
25 ensure that we have gotten rid of them.

1 CHAIRPERSON MULÉ: Okay. That's helpful for us to
2 know.

3 MR. DAVIS: Great.

4 CHAIRPERSON MULÉ: Okay. Let's see. There was
5 one other -- and then also in the TPR -- I'm not done yet.

6 MR. VAUGHN: I'm back.

7 CHAIRPERSON MULÉ: This relates back to vector
8 control, and that's the -- it talks about your storage
9 time, so everything is to be removed within 48 hours; is
10 that correct?

11 MR. DAVIS: All of the mixed glass, the area where
12 it was harboring vectors, that's to be moved within 48
13 hours. In fact, we no longer store that on the ground.
14 We actually store it in a binned container to make sure
15 that we don't allow for that to be an issue. So we have
16 changed the operation and manage it differently.

17 CHAIRPERSON MULÉ: Okay. Thank you.

18 Okay. Any other questions?

19 Do I have a motion?

20 MEMBER PEACE: I would like to move Resolution
21 2008-116 Revised.

22 MEMBER BROWN: Second.

23 CHAIRPERSON MULÉ: It's moved by Member Peace,
24 seconded by Chair Brown.

25 Could you call the roll, Donnell.

1 EXECUTIVE ASSISTANT DUCLO: Brown?

2 MEMBER BROWN: Aye.

3 EXECUTIVE ASSISTANT DUCLO: Peace?

4 MEMBER PEACE: Aye.

5 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

6 CHAIRPERSON MULÉ: Aye.

7 Okay. That passes, and we'll put that one on
8 consent.

9 Our next item is committee Item C.

10 Ted?

11 PROGRAM DIRECTOR RAUH: Yes, thank you.

12 Chair, Item C is consideration of a -- actually, C
13 Revised is consideration of a new full solid waste
14 facility permit for composting activities for the Feather
15 River Organics Compost Facility located in Yuba County.

16 And again, Margie Comotto will present the item
17 for staff.

18 MS. COMOTTO: Good afternoon, again.

19 YSDI Green Waste Composting is a facility located
20 in Yuba County operating under a registration permit since
21 September 25, 1998.

22 The YSDI Green Waste Composting is located
23 adjacent to the Yuba-Sutter Integrated Waste Recovery
24 Facility. Composting operations occur on top of a closed
25 landfill module. The surrounding land use is zoned

1 industrial and closed landfills to the south and north;
2 the transfer facility to the south, southwest; and
3 agricultural to the west.

4 The facility produces both compost and chip and
5 ground material with separate feedstocks for each
6 activity.

7 The facility will have a maximum permitted daily
8 tonnage of 400 tons per day. Outside the closed landfill
9 boundaries and transfer facility, land use around the
10 compost site is primarily agricultural including orchards,
11 grazing areas, and rice fields. There are no residences
12 within 1,000 feet of the facility boundary.

13 The new permit would allow the facility a name
14 change to Feather River Organics Compost Facility and
15 increase in total volume and material allowed on site at
16 any one time from 10,000 tons to 40,000 tons.

17 A mitigated negative declaration was approved by
18 the City of Marysville Planning Commission on February 27,
19 2008, and filed with the State Clearinghouse on
20 February 28, 2008.

21 Board staff recommends the mitigated negative
22 declaration cited above as adequate for the Board's
23 environmental evaluation of the proposed project for those
24 project activities which are within the Board's expertise
25 and/or powers or which are required to be carried out or

1 approved by the Board.

2 In 2004, two violations of the state minimum
3 standards were noted when the compost feed stock caught
4 fire on July 19, 2004, and again on September 25th to the
5 29th, 2004.

6 According to the LEA, prior to the fires, the
7 operator stockpiled feedstock in large piles, then ground
8 the green material and placed it in windrows. Sometimes
9 the feed stock would sit for extended periods because the
10 grinder would be down for repairs.

11 Now the operator is windrowing the green material
12 as soon as it comes in and lets it break down for
13 approximately three weeks in preprocessing windrows. The
14 material is screened and put in pathogen reduction
15 windrows. After curing, the compost undergoes a final
16 screening. Finished compost appears to move off site
17 quickly because there are never large piles of it.

18 On June 30, 2008, CIWMB enforcement staff, in
19 conjunction with the LEA, conducted a pre-permit
20 inspection of the facility and found no violations of
21 state minimum standards.

22 Board staff have determined that all requirements
23 for the proposed permit have been fulfilled.

24 Staff recommends that the board adopt Board
25 Resolution 2008-117 approving the issuance of the solid

1 waste permit.

2 This concludes staff's presentation.

3 I would be happy to answer any questions you may
4 have.

5 The LEA is here as well as Yuba-Sutter
6 representatives are also here to answer any questions you
7 may have.

8 Thank you.

9 CHAIRPERSON MULÉ: Thanks, Margie.

10 Do we have any questions for staff or the LEA or
11 the operator?

12 Board Member Peace?

13 MEMBER PEACE: Just, when it says, "The facility
14 is sufficiently identified in the NDFE," do we know under
15 what name it's identified? Is it still under the YSDI
16 Green Waste Composting, or is it under the new name?

17 MS. COMOTTO: It's still under YSDI Composting.

18 CHAIRPERSON MULÉ: Elliot, did you want to add
19 anything to that?

20 CHIEF LEGAL COUNSEL BLOCK: Just that we've always
21 considered name changes not to be a problem in terms of
22 conformance findings. We would be looking for the
23 jurisdiction to amend that by the time of the five-year
24 review, but the requirement for permits is that the
25 location be identified.

1 CHAIRPERSON MULÉ: Okay.

2 MEMBER PEACE: So at the five-year review, we do
3 try to make sure that the names match up with what's
4 actually on the NDFE?

5 CHIEF LEGAL COUNSEL BLOCK: That's what we try to
6 get to have happen, yes.

7 CHAIRPERSON MULÉ: Any other questions?

8 Do I have a motion?

9 MEMBER PEACE: I would like to move Resolution
10 2008-117 Revised.

11 CHAIRPERSON MULÉ: And I will second that.

12 And we'll hold the vote open for Chair Brown.

13 So let's move to our next item.

14 PROGRAM DIRECTOR RAUH: Thank you, Chair Mulé.

15 The next item, one dear to my heart and a lot of
16 staff effort over the last few months, this is
17 consideration of the designation approval and
18 certification of the Sunshine Canyon Landfill Local
19 Enforcement Agency as the local enforcement agency for
20 Sunshine Canyon City and County Landfill.

21 And just before we get into discussion of the
22 item, I would like to extend thanks to Steve Levine and
23 Michael Bledsoe of the Legal Office. And also with
24 respect to my staff and certainly Georgianne Turner and
25 Gabe Aboushanab, and Virginia Rosales who's going to

1 present the item.

2 I might just mention quickly that Virginia, I
3 think, has probably read the documents associated with
4 this action by the Board so many times that it's probably
5 permanently embedded in her skull. But that's just to
6 reaffirm her contribution to the Board's objectives. And
7 with that, I'd ask Virginia to present the item.

8 CHAIRPERSON MULÉ: Before we do that, can we take
9 the vote on Committee Item C.

10 EXECUTIVE ASSISTANT DUCLO: Aye.

11 CHAIRPERSON MULÉ: We held it completely open.

12 MEMBER BROWN: Oh. Sorry. So second.

13 EXECUTIVE ASSISTANT DUCLO: Peace?

14 MEMBER PEACE: Aye.

15 EXECUTIVE ASSISTANT DUCLO: Brown?

16 MEMBER BROWN: Aye.

17 EXECUTIVE ASSISTANT DUCLO: Mulé?

18 CHAIRPERSON MULÉ: Aye. We'll put that on
19 consent.

20 Continue.

21 MS. ROSALES: Thank you. Good afternoon, Madam
22 Chair and Committee Members.

23 Before I begin the presentation, I would like to
24 note that there was an update to reflect changes made
25 under the key issues. Revisions are identified by strike

1 out and underline, and our Web site was posted last
2 Wednesday with the updates and the proposed resolution.

3 As you are aware, the Board is presently serving
4 as the enforcement agency for the Sunshine City/County
5 Landfill which straddles the jurisdiction of both the City
6 and County of Los Angeles, as neither of the local
7 enforcement agencies have full regulatory oversight over
8 the combined city/county facility. Consequently, the
9 local governing bodies have formed and designated a new
10 single LEA to regulate the combined city/county landfill
11 named the Sunshine Canyon Landfill LEA.

12 Upon Board approval of the designation, the
13 enforcement program plan, or the EPP, and certification,
14 the enforcement agent duties would be transferred by the
15 Board to the Sunshine Canyon Landfill LEA.

16 In May 2008, the City of Los Angeles and the
17 County of Los Angeles entered into a joint exercise of
18 powers agreement for the creation of the Sunshine Canyon
19 Landfill LEA for the jurisdiction of the Sunshine Canyon
20 City/County Landfill.

21 The Sunshine Canyon Landfill LEA is administered
22 by a board of directors consisting of five members.

23 To establish an LEA, the Board is required to
24 determine the approvability of the enforcement agency's
25 EPP. The EPP shall embody the designation and

1 certification requirements and demonstrate that the LEA
2 meets all the requirements for the requested
3 certifications.

4 Although there have been many drafts of the EPP
5 and designated documentation over the past several months,
6 prior to the official submittal of the designation
7 information package, or the DIP, and the EPP on June 9,
8 2008, there are still a few issues to be addressed.
9 However, these issues are procedural and do not affect
10 Board staff's recommendation to deem it adequate for the
11 Board approval on a temporary basis as noted in the agenda
12 item of proposed board resolution.

13 The Sunshine Canyon Landfill LEA program will
14 consist of six full-time equivalent positions, one
15 dedicated full-time staff and the five additional
16 positions to be filled for a total of 20 personnel,
17 including two annually rotating program managers and 18
18 field inspectors, which includes the supervisors, to
19 govern the entire operating day of the landfill.

20 The program manager has a primary responsibility
21 to manage the overall administrative and operational
22 activities of the LEA program. The first rotation of the
23 program manager has been assigned to Mr. Wayne Tsuda for
24 the period of May 2008 through June of 2009 followed by
25 Mr. Ken Murray from the period of July 2009 through

1 June 2010.

2 In April 2008, the Board staff informed the City
3 and the County that a rotation schedule of one year or
4 less for the LEA program manager would not appear to be
5 workable due to concerns of the LEA's ability to smoothly
6 transition from one manager to another and to fully carry
7 out their duties under the Integrated Waste Management
8 Act.

9 However, the Sunshine Canyon Landfill LEA has
10 agreed to review the program workability, as proposed,
11 after nine months and report their findings to the Board,
12 and Board staff is recommending that the designation be
13 reevaluated after two years of LEA operation to ensure
14 that the rotation schedule is not adversely impacting the
15 LEA's performance and its duties.

16 In summary, on June 16, 2008, Board staff sent a
17 list of remaining procedural deficiencies in the DIP in
18 the EPP. By July 8, 2008, Board staff had received
19 workable -- excuse me, had received acceptable
20 corrections.

21 Therefore, Board staff have concluded that all the
22 requirements have been substantially fulfilled except
23 final determination of the rotation issues, which is being
24 deferred, and recommends the Board adopt Resolution
25 2008-118 issuing temporary LEA certifications and

1 approving temporary approval of the designation and the
2 EPP under 14 CCR 18076(c).

3 Permanent designation approval is contingent on
4 the following:

5 One, receipt of the revised Sunshine Canyon
6 Landfill board of directors resolution; the joint exercise
7 of powers agreement; and the county board of supervisors
8 resolution all citing the correct authority, appropriately
9 signed and executed, and all to be submitted by August 29,
10 2008;

11 And two, final determination of the acceptability
12 of the one-year rotation issue based on the completion of
13 the following further review:

14 A, initial self-assessment review by the Sunshine
15 Canyon Landfill after nine months from the date of the
16 temporary certification, and the Sunshine Canyon Landfill
17 LEA to present the results of that review as an
18 informational item to the Board no later than June 30,
19 2009. This presentation would include the steps that
20 Sunshine Canyon Landfill LEA has taken to assure the
21 succeeding program manager is prepared for a smooth
22 transition to assume the management duties;

23 And B, an LEA evaluation carried out in accordance
24 with Public Resources Code 43214 by the Board within six
25 months of the completion within two years of LEA

1 operation.

2 Staff's evaluation on the Board's agenda is a
3 decision item for the Board to determine if the Sunshine
4 Canyon Landfill LEA should receive permanent designation
5 approval, continue as a temporary designation approval
6 until the remaining issues with the rotation schedule are
7 resolved, or have its temporary approval terminated unless
8 the rotation period is extended as specified by the Board
9 at that time.

10 Wayne Tsuda representing the Sunshine Canyon
11 Landfill is present to answer any questions you may have.

12 This concludes staff's presentation.

13 CHAIRPERSON MULÉ: Thank you, Virginia.

14 Any questions for staff on this one?

15 MEMBER PEACE: The only little question I had is,
16 it says, within six months after completion of the two
17 years, that our Board staff will do an evaluation, I was
18 just wondering why it was six months. How did you come up
19 with that? Because you are already halfway through the
20 next rotation. It just seems like a long time, but is
21 that how long it's going to take us to get all the
22 information?

23 PROGRAM DIRECTOR RAUH: I think that's basically
24 it. We wanted to make sure we had enough time to take a
25 look at the full two years as well as the two rotational

1 cycles and how the transition went. So it really would
2 mean that it comes to you within six months. But
3 obviously, our work has to be done a lot more quickly than
4 that to be able to get it through the agenda process and
5 so forth. So it kind of gives us enough time to make sure
6 we can do a credible job.

7 MEMBER PEACE: So actually, by the time it gets to
8 the Board we could almost be through another --

9 PROGRAM DIRECTOR RAUH: No. We're saying it would
10 be to you within six months, which means that in the
11 sixth month, it would be to you. So it actually gives us,
12 perhaps, four months to do the review.

13 MEMBER PEACE: Okay. Great. Thank you.

14 CHAIRPERSON MULÉ: Member Chesbro?

15 BOARD MEMBER CHESBRO: Thank you.

16 I appreciate the fact that the staff moved it from
17 a much shorter rotation to what they had, and there's also
18 this review process. But on the surface of it, it seems
19 that continuity would involve as much -- I am getting my
20 sentence messed up here. Consistency would depend on
21 continuity. In other words, consistency of standard
22 application and the way the LEA did its job.

23 And so even though I think there's been efforts
24 made to mitigate it, the question is -- maybe this is for
25 the -- for Mr. Tsuda. But what's the advantage? I mean,

1 why -- most of -- I have been involved with a lot of JPAs
2 at the local level, and usually the JPA hires -- because
3 it's got multiple agencies, that person works for
4 everybody. So it works for the -- so you create a
5 structure that is accountable to the body that combines
6 the different agencies that participate in the JPA.

7 So it just seems to kind of unusual and raises
8 questions which, again, I compliment staff for trying to
9 mitigate. I'm just asking the basic question of why. Why
10 wouldn't we have an LEA that directly had staff that
11 worked for the LEA on an ongoing basis?

12 PROGRAM DIRECTOR RAUH: Well, perhaps we could
13 have Mr. Tsuda come up and start off the answer to that
14 question.

15 MR. TSUDA: Wayne Tsuda representing the Sunshine
16 Canyon Landfill LEA, hopefully.

17 I think at this time, we have thought long and
18 hard at -- the direction of the Waste Board originally was
19 that six months wasn't long enough, and they wanted to see
20 something over one year. So we went back to our board and
21 the board made the decision to extend the program
22 manager -- program manager's duration for one year and
23 that was taken at official meeting. So that is what is on
24 the table. And in order to change that, I would have to
25 go back before --

1 BOARD MEMBER CHESBRO: I didn't propose a change.
2 I was just asking for an explanation of what the thinking
3 is behind the rotation.

4 MR. TSUDA: Well, basically we feel that there
5 would be no loss of continuity with a change of one year,
6 because the County LEA and the City LEA were very closely
7 together, and one would be shadowing the other while the
8 other is taking the lead. So we don't feel that it would
9 be a significant problem. And we agree to thoroughly
10 investigate it at nine months after operation and see if
11 it's appropriate to ask the Board for a longer term.

12 MEMBER PEACE: And it's just the program manager
13 that's rotating; the rest of the staff remains the same;
14 is that correct?

15 MR. TSUDA: The rest of the staff remains the
16 same.

17 MEMBER PEACE: Just the program manager.

18 CHAIRPERSON MULÉ: Member Brown? Chair Brown?

19 MEMBER BROWN: I just want to echo, I don't think
20 you answered the question that Member Chesbro asked, which
21 is a question of mine as well: Why rotate at all? Isn't
22 there one LEA that the new Sunshine Canyon LEA -- or one
23 program manager that the new entity Sunshine Canyon LEA
24 deems would be a responsible single entity person for
25 oversight of this landfill?

1 MR. TSUDA: Well, I can only answer based upon the
2 decision that the board of directors of the Sunshine
3 Canyon landfill has taken, and that's, one year is
4 adequate.

5 MEMBER BROWN: So actually, your answer is that
6 you cannot answer the question because that was a decision
7 made by the new Sunshine Canyon oversight committee?

8 MR. TSUDA: Right.

9 MEMBER BROWN: Because the question is, why rotate
10 at all?

11 MR. TSUDA: I can't answer that. I mean, if
12 that's a question this Board would like me to ask the
13 board of directors, I can do that. But I think that would
14 all come up at the nine-month interval, where we agree to
15 review the operation of the LEA and see if any changes
16 needed to be made.

17 MEMBER BROWN: Is that a reviewable decision? I
18 mean, is that one of the considerations at nine months is
19 whether there would be a change at all or if a change at
20 all would be necessary?

21 MR. TSUDA: That would be the purpose of the
22 nine-month review before the board of directors, yes.

23 MEMBER BROWN: Okay.

24 MR. TSUDA: We agree to do that, based upon
25 comments we receive from staff.

1 MEMBER BROWN: Okay. And you know, I think our
2 concern is just consistency for both the operation as well
3 as the operator, that there is consistency and, you know,
4 if that is the specific reason for the review at nine
5 months, then I would like to have that information
6 reported back to the Board.

7 PROGRAM DIRECTOR RAUH: Certainly. The way the
8 resolution is prescribed is that that board would send a
9 representative, Mr. Tsuda, or someone else to present to
10 you the findings of that review as an information item.

11 MR. TSUDA: I think it's important to keep in mind
12 that for both the city portion and the county portion,
13 both myself and Ken Murray have been essentially the
14 program managers for our separate LEAs for Sunshine
15 Canyon. So it's not a new role for us.

16 MEMBER BROWN: We recognize that, Mr. Tsuda.

17 I think that the concern and the question is, why
18 this responsibility wouldn't just be one person; why there
19 is a necessity to rotate between you and Ken Murray or
20 whoever the program manager is at that time, why it
21 wouldn't just be vested with one person. That's our
22 question. And that obviously is going to be reviewed by
23 the new Sunshine Canyon Oversight Committee at nine months
24 whether that is necessary at all.

25 So I appreciate that.

1 MR. TSUDA: Okay.

2 MEMBER PEACE: Wayne, can I ask you a question?
3 How do your duties as an LEA change, because when you are
4 the program manager, is that your full-time job? So for
5 the next year that will be your full-time job, just the
6 Sunshine Canyon?

7 MR. TSUDA: I'm not listed in the EPP as being
8 full time for the management of Sunshine Canyon. We have
9 an environmental specialist who is full time, and we have
10 our supervisors and our inspectors who rotate in. But
11 there's a good percentage of my time that is going to be
12 dedicated to the Sunshine Canyon LEA because we don't feel
13 that those management decisions come up on a daily basis
14 or on a full-time basis.

15 MEMBER PEACE: And when you rotate from being the
16 program manager of the Sunshine Canyon Landfill and then
17 rotate out, how do your duties change? Do you work on
18 other things?

19 MR. TSUDA: I work on the City of Los Angeles LEA.
20 And for the period of time that I'm the program manager
21 for the Sunshine Canyon LEA, my duties under the City of
22 Los Angeles LEA, those hours are deducted from the EPP.

23 MEMBER PEACE: But then things would have to
24 rotate there because as you are rotating in and out of the
25 landfill, then you are rotating in and out at the city

1 level. So we're just wondering if that maybe --

2 MR. TSUDA: Actually, I think I'm pretty good at
3 multitasking.

4 BOARD MEMBER CHESBRO: Madam Chair, one other
5 question. Who are the actual -- I know the two entities
6 that are representing the City and the County. But who
7 are the actual members, five members? Are they elected
8 officials? Are they Department heads? Are they -- what
9 level of people are the folks who constitute the board?

10 MR. TSUDA: Well, there are five members. Two are
11 appointed by elected officials, the city council -- and
12 the city -- or the County of Los Angeles Board of
13 Supervisors. The city council representative is an
14 elected official -- it's council member Greg Smith; the
15 board of supervisors' designee is a businessman by the
16 name of Mr. David Honda; and the two LEAs are represented
17 by my general manager Detrick [phonetical] Allen and by --
18 in the County LEA it would be Alfonso Medina. The
19 fifth member is -- has not yet been appointed, but that
20 person will be appointed probably at our next meeting,
21 and --

22 BOARD MEMBER CHESBRO: And they are selected by
23 the other four? The fifth is --

24 MR. TSUDA: By a unanimous of the other four.

25 And that person must have an engineering

1 background and be certified by the state as a registered
2 civil engineer.

3 BOARD MEMBER CHESBRO: Thank you.

4 CHAIRPERSON MULÉ: So I think the point that Board
5 Member Peace was making is that in addition to your
6 existing duties as the City -- with the City LEA, you will
7 be overseeing this, this LEA, the joint LEA as well?

8 MR. TSUDA: Yes.

9 CHAIRPERSON MULÉ: And so I think that again
10 reiterating what you have heard from the rest of the Board
11 members here, I think we're just concerned about, again,
12 the consistency of enforcement with having one person in
13 that position. But I do understand that we have a
14 nine-month review, and I for one will be looking forward
15 to that review to see how we're doing. And I take it that
16 our staff will be monitoring this very closely as well; is
17 that correct?

18 PROGRAM DIRECTOR RAUH: Yes, that's correct.

19 And one additional note for the Board: We've
20 requested the revisions to both the City and the County
21 LEA so -- their EPP so that we can be able to assess as
22 part of this process how the change in staff allocation is
23 affecting those as well.

24 CHAIRPERSON MULÉ: Okay. All right. Thank you.

25 We do have one speaker, Mr. Chuck Helget.

1 MR. HELGET: Madam Chair, Members of the
2 Committee, Chuck Helget representing Allied Waste.

3 Allied Waste supports certification and the
4 package that's before you today, and we look forward to
5 working with the new Joint LEA upon certification.

6 We previously had expressed concerns to the City
7 and County and to the Waste Board in writing regarding the
8 staffing levels and some of the issues that were raised in
9 the discussions this afternoon.

10 We feel like those issues can be worked out,
11 negotiated. We've been assured in our discussions with
12 the City and County that staffing levels and those sort of
13 issues will be very reasonable and relatively consistent
14 with what we've seen in the past. So we're looking
15 forward to moving the ball forward. And for that reason,
16 I think feel very optimistic that eventually we will have
17 a very workable and solid situation here. So with that,
18 we would urge the Board to support this package.

19 I can't step away from the podium, though, without
20 expressing -- and I didn't get an opportunity to do this
21 at the past hearings, but express some gratitude and
22 thanking Ted and his staff, Sue Markie and others, who
23 worked so diligently to get us to the point where we are
24 today. And the same for the City and County staffs that
25 have worked very, very hard over the past nine months to

1 get here.

2 I would also specifically like to thank Elliot and
3 Michael and staff and the legal staff for the work that
4 they have put in with the City and County legal staff on
5 the agreements that allowed us essentially to avoid
6 litigation, I think, which is -- hopefully will continue.
7 I think that was very important and very well done
8 document.

9 We're also -- and also, very pleased to report as
10 well that Allied and the city and county planning
11 divisions departments and public works staff and Sunshine
12 Canyon LEA have been working cooperatively and diligently
13 towards agreements that will allow the commencement of the
14 joint City/County operations hopefully before the end of
15 this summer.

16 We certainly appreciate the patience that this
17 Board has shown over the past nine months, and we truly
18 hope that your agendas will be Sunshine Canyon free for at
19 least the next couple years.

20 Thank you.

21 CHAIRPERSON MULÉ: Thank you.

22 Chair Brown?

23 MEMBER PEACE: I was just going to ask, Chuck, if
24 the issuance of the Sunshine Canyon Landfill permit and
25 the certification of the joint LEA was -- you don't have

1 to answer this. Was going -- was going to help clear the
2 way for the merger that everyone is talking about.

3 MEMBER BROWN: Which one?

4 CHAIRPERSON MULÉ: Okay. With that, do I have a
5 motion?

6 MEMBER BROWN: I move Resolution 2008-118 Revised,
7 I believe. Oh, no. Sorry. Not revised. The item was
8 revised, not the resolution. 2008-118.

9 MEMBER PEACE: Second the unrevised resolution.

10 CHAIRPERSON MULÉ: It's moved by Chair Brown,
11 seconded by Member Peace.

12 Call the roll.

13 EXECUTIVE ASSISTANT DUCLO: Brown?

14 MEMBER BROWN: Aye.

15 EXECUTIVE ASSISTANT DUCLO: Peace?

16 MEMBER PEACE: Aye.

17 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

18 CHAIRPERSON MULÉ: Aye.

19 And we will put that one on consent since we have
20 four of our five board members here with us today.

21 I do want to note that Items E and I will be heard
22 by the full board on July 22nd, and Items K and L have
23 been pulled from this particular agenda.

24 So with that, Ted, let's move to Item F.

25 PROGRAM DIRECTOR RAUH: Yes, thank you, Chair

1 Mulé.

2 Item F is a discussion of the calculations
3 relative to waste tire counts including tire shreds,
4 chips, and bagged products at waste tire storage sites.

5 And here to make the presentation, as they find
6 their way up to the podium, I have Mark de Bie, and I
7 think we're going to be joined by Jim Lee.

8 Thank you, gentlemen.

9 (Thereupon an overhead presentation was
10 presented as follows.)

11 DIVISION CHIEF DE BIE: Thank you, Ted.

12 Mark de Bie with Waste Compliance and Mitigation
13 Program.

14 And I will be making the bulk of the presentation,
15 but I asked Jim to come forward and provide some context
16 on how this information, this discussion item, fits in
17 with some other activities related to permit regulations.

18 So I'm going to start off with just a short --
19 couple sentences and then pass it on to Jim, have him do
20 his part, and then continue on with the slide
21 presentation.

22 So this item is to bring to the attention of the
23 Board as well as stakeholders information regarding waste
24 tire calculations relative to waste tire storage permit
25 requirements. This item is not associated with the

1 current process underway to review tire storage
2 requirements. It only -- the only intent is to affirm and
3 clarify the current statutory framework.

4 To further reduce any confusion about how this
5 discussion fits in with the tire storage review, I'm going
6 to ask Jim Lee to provide the Board with an update on that
7 process.

8 BRANCH MANAGER LEE: Good afternoon, Madam Chair,
9 good afternoon, Committee Members.

10 My name is Jim Lee. I am the manager of the Tire
11 Enforcement Branch.

12 Just to follow up on Mark's comments, we are in
13 the middle of a process directed by the Board to reexamine
14 the regulations with regards to waste tire product
15 storage. With regards to some specifics, we have -- staff
16 is in the process of putting together an issue paper to
17 look at the various issues that are involved as it is our
18 expectation that we will be holding some stakeholder
19 workshops -- probably two, one in Sacramento and one in
20 southern California -- to vet the issue paper and any
21 other options that the stakeholders bring up relative to
22 this matter.

23 And with regards to the time frame for those
24 workshops and then the subsequent Board discussion, which
25 will follow, I think we are looking sometime probably the

1 fall of this year, probably September or October range.

2 Are there any questions with regards to that?

3 DIVISION CHIEF DE BIE: Thank you, Jim.

4 So as you can see, there's a whole separate effort
5 underway to review those tire storage requirements in a
6 broader context.

7 So to continue on with this very small piece of
8 the puzzle, the requirements for a permit and the
9 determination of the type of permit, be it minor or major,
10 is determined by the number of waste tires stored on site.
11 The statutory definition of waste tires is not as clear as
12 it could be, as it not only defines what a waste tire is,
13 but it also defines what a waste tire isn't.

14 Most of those associated with waste tire sites, be
15 they waste tire site operators, waste tire permit
16 applicants, or Board staff, would identify the tires on
17 this slide as certainly ones that would qualify as waste
18 tires and would include them when calculating the total
19 amount of waste tires on site.

20 --o0o--

21 DIVISION CHIEF DE BIE: Likewise, most people
22 utilizing the definition of waste tires would also include
23 these large shreds as part of what is defined as a waste
24 tire.

25 --o0o--

1 DIVISION CHIEF DE BIE: Even when looking at
2 smaller chips, one would -- even when looking at smaller
3 chips, these would also be included in the calculations
4 for a total waste -- amount of waste tires on site.

5 --o0o--

6 DIVISION CHIEF DE BIE: And these are just some
7 additional views of the smaller chip tires. So as you can
8 see by this pile, it's starting to look less like a whole
9 tire and more like maybe a product or something different
10 than a whole tire.

11 But still, I think most people looking at this
12 would identify it as a waste tire.

13 --o0o--

14 DIVISION CHIEF DE BIE: However, when we get into
15 situations like this where we have materials stored in
16 bags, and the chip size is getting closer to a
17 quarter-inch -- and quarter-inch is significant and I will
18 indicate a reason for that a little bit later -- some
19 people might not include this material, because of the way
20 it's stored and the size, to be part of a waste tire and
21 therefore included in the calculation of a waste tire
22 relative to permit requirements.

23 --o0o--

24 DIVISION CHIEF DE BIE: And it might even push the
25 envelope a little bit more when it's stored inside, maybe

1 even more difficult for some to determine that these are
2 waste tires. Note that these are still chips that are
3 larger than a quarter-inch.

4 Crumb rubber is, however, statutorily excluded
5 from waste tire definition, and it's further clarified in
6 regulation as material that's less than a quarter-inch.

7 But again, these chips in these bags are larger
8 than a quarter-inch, so they are not considered crumb
9 rubber.

10 --o0o--

11 DIVISION CHIEF DE BIE: We have situations that
12 are observed for tire shreds that are larger than a
13 quarter-inch are stored in wooden boxes. Likewise,
14 material stored in these boxes, being larger than a
15 quarter-inch, would be considered a waste tire. This
16 practice also raises additional concerns about fire
17 prevention. All waste tires stored on a waste tire site
18 must meet the storage requirements to prevent fire.

19 --o0o--

20 DIVISION CHIEF DE BIE: This is another view of
21 that situation.

22 --o0o--

23 DIVISION CHIEF DE BIE: This is another view of
24 that situation.

25 --o0o--

1 DIVISION CHIEF DE BIE: And yet, another.

2 --o0o--

3 DIVISION CHIEF DE BIE: Now we're getting down to
4 materials where we may not have consistency among tire
5 operators, applicants, or Board staff on determining
6 whether or not these materials might be considered waste
7 tires.

8 Any shredded or chip material that is not crumb
9 rubber, that's larger than a quarter-inch, is a waste tire
10 and it counts toward the permit calculation, even
11 materials stored in bags. However, once the material is
12 sold and removed from the processing facility, it's
13 considered a tire-derived product, and that's based on a
14 statutory definition. But as long as it's at the
15 processing facility, it is still considered a waste tire
16 if it's larger than a quarter-inch.

17 --o0o--

18 DIVISION CHIEF DE BIE: Just an additional
19 review -- or view of the bagged material. This is bedding
20 material.

21 --o0o--

22 DIVISION CHIEF DE BIE: Now, crumb rubber does not
23 count, even if it's located on a permitted site. It does
24 not count as a waste tire. And again, crumb rubber has
25 the definition in regulation that indicates it needs to be

1 less than a quarter-inch.

2 --o0o--

3 DIVISION CHIEF DE BIE: Molded product also does
4 not count as a waste tire.

5 Staff believe that there may be some permitted
6 storage tire sites that do not have permit limits based on
7 complete calculation of the total amount of waste tires on
8 site. As inspectors determine any inconsistencies, the
9 inconsistencies will be brought to the attention of the
10 operator of the site and will be rectified during the
11 permit renewal process.

12 All tires stored on site will continue to be found
13 in compliance with storage requirements especially
14 regarding fire prevention and vector control.

15 And that concludes the presentation, and any
16 questions, we'll take them at this time.

17 CHAIRPERSON MULÉ: Thank you, Mark.

18 We do have two speakers so we'll take the speakers
19 first and then we'll do our questions.

20 First speaker, Terry Leveille.

21 MR. LEVEILLE: Madam Chair, Committee Members,
22 Board Member Chesbro, Terry Leveille of TL & Associates,
23 representing Lakin Tire and a number of other stakeholders
24 that we also have the slogan that anything the Board does
25 for discussion only is something that we should be aware

1 of because -- and supportive of, because it is
2 informative, I think, for the Board.

3 When I first saw the agenda item, my eyes opened
4 up wide because I felt that they were impinging upon what
5 we had talked about in previous Board meetings, which was
6 relaxing some of the rules for the exemptions on a waste
7 tire facility permit.

8 But now that we have the understanding that we're
9 just -- you know, this is more of an informative thing for
10 the Board members and maybe some staff and maybe some of
11 the operators. The operators I have worked with, for the
12 most part, have been very good about this, understanding
13 the quarter-inch rule.

14 But once again, we always felt that -- and I think
15 it's pretty much universally felt throughout the
16 stakeholders in California that there does need to be some
17 flexibility to enhance the market development of these
18 kinds of products. And we look forward to the hearings
19 and the workshops this fall that staff is going to be
20 conducting in northern and Southern California.

21 We look forward to continuing -- and once again,
22 what our bottom line is that we always are supportive of
23 any kind of changes that include the requirement that the
24 fire marshal always approve these kinds of things. That's
25 the bottom line. I think all stakeholders feel that way.

1 I know the Board feels that way and the Board is not going
2 to be to go beyond something that is not supported by the
3 local fire marshals.

4 One problem we have run into is that there is some
5 inconsistency at the local level, fire marshal to fire
6 marshal, and I would like to see there be some overtures,
7 some outreach, from the Board, from Board staff, to try
8 and see if we can get that -- that issue, the
9 understanding and the regulations and the statutes more
10 widely disseminated so that we don't have that problem.

11 Likewise, LEA sometimes, some enforcement agents
12 under the grant program have a little different
13 interpretations, and we always know that staff does try to
14 communicate and has the workshops. We would like to
15 continue and urge staff to continue to see if we can get,
16 you know, one standard as much as possible for these --
17 the various local jurisdictions.

18 It does create problems when a firm in Sacramento
19 County, for example, and a firm in Los Angeles County has
20 to deal with different types of rules set by the local
21 either fire marshals or the LEAs.

22 And with that, you know, I think this is
23 informative to take a look at some of these different
24 things that are going on with the product, and we urge you
25 to, you know, keep your minds open for possible changes,

1 flexibility, after the hearings this coming fall.

2 Thank you.

3 CHAIRPERSON MULÉ: Thank you, Terry.

4 It sounds like this would be a great topic for our
5 LEA conference, Ted. It sounds like there's inconsistency
6 amongst the LEAs in terms of enforcement. So perhaps this
7 might be a good session to include in the LEA conference.

8 PROGRAM DIRECTOR RAUH: Yes. We actually have two
9 options for this. One's the tire roundtable --

10 CHAIRPERSON MULÉ: Right.

11 PROGRAM DIRECTOR RAUH: -- which goes on and then
12 we also have the conference, the LEA conference, coming up
13 this fall, which would be -- we can do both and plan to do
14 both, and will be positioned hopefully at a time when we
15 have completed some of the work that was just discussed in
16 terms of the workshops.

17 CHAIRPERSON MULÉ: Thank you.

18 Our next speaker is Jana Nairn, Golden Byproducts.

19 MS. NAIRN: Hi. Jana Nairn, Golden Byproducts.

20 Terry summed it up really well. I don't really
21 have any additional comments other than to say that I look
22 forward to the ongoing collaboration with stakeholders and
23 our local enforcement agencies, fire marshals that we're
24 working with as well, to all work together to find the
25 right answer that takes care of the fire safety, which

1 should be the No. 1 concern, but has enough flexibility
2 not to inhibit the great job that the other side is doing
3 on market development with our -- with our industry.

4 And I am basically here to invite you not only to
5 look at the pictures of my facility up here on your site,
6 but to come or send staff to our facility as well as one
7 of the options in this evolutionary learning process that
8 we're all going through.

9 So thank you.

10 And I'm hear to answer any questions if you have
11 any.

12 CHAIRPERSON MULÉ: Thank you. Any questions?

13 Do we have any questions for staff on this?

14 Thank you very much. This was very, very helpful.
15 Thank you.

16 Okay. Our next item.

17 PROGRAM DIRECTOR RAUH: Yes. Thank you.

18 The next item is consideration of the scoring
19 criteria and evaluation process for the solid waste
20 disposal and codisposal site cleanup grant programs.

21 And this is -- here to present the item is Wes
22 Mindermann, our grant extraordinaire, and he has his pen.

23 SUPERVISOR MINDERMANN: Good afternoon, Madam
24 Chair and members of the Committee.

25 The item before you this afternoon is for

1 consideration of the proposed criteria and evaluation
2 process for all grants under the solid waste disposal and
3 codisposal site program, or cleanup program, for fiscal
4 years 2008/2009 and 2009/2010.

5 No changes are proposed to the scoring criteria at
6 this time.

7 With respect to the evaluation process, the number
8 of cycles per year is recommended to be reduced from four
9 to three to reduce staff workload while maintaining the
10 level of service to potential applicants based on past
11 experience.

12 Proposed cycle deadlines for applications to be
13 submitted are September 15th, December 15th, and March
14 15th of each fiscal year.

15 Staff are recommending the Board approve the
16 proposed scoring criteria and evaluation process and adopt
17 Resolution 2008-120.

18 That concludes my presentation.

19 CHAIRPERSON MULÉ: Thank you.

20 Any questions?

21 Board Member Peace, do you have any questions?

22 No? Okay with it?

23 Do I have a motion?

24 MEMBER BROWN: Move Resolution 2008-120.

25 MEMBER PEACE: Second.

1 CHAIRPERSON MULÉ: It's moved by Chair Brown,
2 seconded by Member Peace.

3 Call the roll, Donnell.

4 EXECUTIVE ASSISTANT DUCLO: Brown?

5 MEMBER BROWN: Aye.

6 EXECUTIVE ASSISTANT DUCLO: Peace?

7 MEMBER PEACE: Aye.

8 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

9 CHAIRPERSON MULÉ: Aye.

10 Thank you. We'll put that on consent.

11 Thanks, Wes.

12 Our next item, Committee Item H.

13 PROGRAM DIRECTOR RAUH: Thank you, Chair Mulé and
14 Members.

15 This is an interesting new approach which I will
16 call to your attention. This item requests the California
17 Integrated Waste Management Board consider and approve a
18 scope of work and also approve the execution of an
19 interagency agreement with the Department of Fish and Game
20 to develop a pilot program to work with outside law
21 enforcement agencies to conduct environmental remediation
22 at former large-scale marijuana crop sites throughout
23 California.

24 The proposed interagency agreement would expire in
25 May of 2010, unless extended, and would be for a

1 not-to-exceed amount of \$250,000.

2 And here again to present the item is Mr. West
3 Mindermann.

4 SUPERVISOR MINDERMANN: Madam Chair and Members of
5 the Committee, growing and harvesting of illegal marijuana
6 gardens in remote locations in public lands creates
7 substantial environmental degradation throughout
8 California that remains unmitigated.

9 Large growing operations now have growers living
10 at the sites with all the related impacts of camping and
11 growing operations. Currently, excessive amounts of human
12 waste and garbage from the camping operations and the
13 remnants of irrigation systems along with fertilizers,
14 herbicides, and pesticides are left after illegal gardens
15 are eliminated by law enforcement agencies.

16 The proposed interagency agreement with the
17 Department of Fish and Game, as Ted indicated, would
18 expire in May of 2010 and would be for a not-to-exceed
19 amount of \$250,000 to be funded solely from the Solid
20 Waste Disposal Trust Fund.

21 Because of the illegal nature of the growing
22 operations and the need for security for effective law
23 enforcement operations, the location of the sites is not
24 known until after the eradication efforts have taken
25 place. The proposed interagency agreement would utilize

1 the Department of Fish and Game to remediate these sites
2 as the locations and its impacts become known over two
3 eradication seasons.

4 The Department of Fish and Game is uniquely
5 qualified to participate in this interagency agreement and
6 coordinate these cleanups throughout California due to its
7 law enforcement capacity and mission to protect and
8 restore -- protect and restore the environment. Excuse
9 me.

10 The proposed scope of work is presented in
11 attachment 1 of your agenda item. Based on the general
12 description of past and present sites by the Department of
13 Fish and Game, the proposed projects would be consistent
14 with applicable regulations and statutes governing the
15 program and also be consistent with the tasks that would
16 be undertaken under a Board-managed remediation. Staff
17 has included in the attached scope of work for the Board's
18 consideration certain commonly encountered activities
19 which are eligible within the discretion of the Board, and
20 staff seeks your approval for these activities.

21 Also outlined in the agenda item is the process
22 for authorizing individual projects under the proposed
23 interagency agreement, which staff feels provides adequate
24 coordination and oversight to ensure all aspects of the
25 proposed projects are consistent with the applicable

1 regulations and statutes governing the program and the
2 interagency agreement itself.

3 With respect to cost recovery at the sites, this
4 proposed interagency agreement covers sites that are on
5 publicly owned property, maintained for public benefit and
6 use where the owner did not cause the disposal of waste
7 and the owners, as such, qualify for a waiver of cost
8 recovery.

9 To the extent that the Department of Fish and Game
10 is able to identify and/or locate any of the transgressors
11 responsible for the growing operations and subsequent
12 illegal disposal sites, or becomes aware of this
13 information through other law enforcement agencies, the
14 Department of Fish and Game will make that information
15 available to the Board so that cost recovery for the
16 cleanups can be pursued to the extent feasible.

17 In summary, staff are recommending this proposal
18 for the following reasons.

19 BOARD MEMBER CHESBRO: And by the way, Cheryl, for
20 your edification, even if you could cost-recover, the
21 sheriff would probably be in line in front of us.

22 SUPERVISOR MINDERMANN: That is correct.

23 MEMBER PEACE: Well, I think most of this is
24 federal property, so I'm wondering -- I doubt there's any
25 way we can get cost recovery from them.

1 BOARD MEMBER CHESBRO: Oh, I know.

2 SUPERVISOR MINDERMANN: We're recommending a
3 waiver for those agency specifically.

4 But we're recommending this proposal for the
5 following reasons: Based on the documented conditions at
6 previously known eradication sites and discussion with
7 representatives from the Department of Fish and Game,
8 Department of Toxic Substance Control, United States
9 Environmental Protection Agency Emergency Response Group,
10 the Bureau of Land Management and the United States Forest
11 Service, this pilot program addresses a currently unmet
12 need to clean up small and remote illegal disposal sites
13 on public lands throughout California.

14 Considering the options to fund this work under
15 the program, namely grants, Board-managed cleanups with
16 our own contractors, and the ability to contract directly
17 with the Department of Fish and Game, this appears to be
18 the option that will result in the timely and effective
19 cleanup of these sites while minimizing impacts on the
20 program's limited personnel and contractor resources.

21 In addition, the cleanups will support law
22 enforcement efforts in the sense that the removal of the
23 solid waste at the camps, which consists of the abandoned
24 supported infrastructure, or supported infrastructure,
25 excuse me, will create less incentive for the perpetrators

1 to return to these sites to easily resume crop production.
2 And finally, the Department of Fish and Game is uniquely
3 qualified to participate in this interagency agreement and
4 coordinate these cleanups throughout California, again,
5 due to its law enforcement capacity and mission to protect
6 and restore the environment.

7 Staff are recommending that the Board approve the
8 proposed scope of work and authorize staff to execute an
9 interagency agreement with the Department of Fish and Game
10 is adopt Resolution 2008-121.

11 CHAIRPERSON MULÉ: Thank you, Wes.

12 We do have one speaker, Captain Paul Hamilton.

13 CAPTAIN HAMILTON: Hello. Good afternoon.

14 CHAIRPERSON MULÉ: Good afternoon.

15 CAPTAIN HAMILTON: Captain Paul Hamilton.

16 First of all, I want to say thank you for your
17 consideration. I've been all around town, and I usually
18 get the door slammed in my face. So thank you very much.

19 What I do have here is, I have a bunch of photos
20 of what we're doing now. And I will pass these on so you
21 can take a look at them, because it's pretty dramatic.

22 And as we speak, we have wardens out on these
23 sites. And when you see them, you will realize what we've
24 been seeing for the last few years as the marijuana
25 production has changed, who's doing the production, and

1 how it's being done. So again, I want to thank you for
2 your consideration. I'm here to answer any questions.

3 And thank you, Wes.

4 BOARD MEMBER CHESBRO: I do have a question, Madam
5 Chair.

6 CHAIRPERSON MULÉ: Yes, Member Chesbro, please.

7 BOARD MEMBER CHESBRO: I've heard quite a bit
8 about the pollution that has resulted also from remote
9 drug lab activities. Is there also a parallel effort
10 going on in terms of -- you know, because there's
11 obviously drug manufacturing, some pretty serious chemical
12 components that are probably as big a threat as what comes
13 from the marijuana growers.

14 CAPTAIN HAMILTON: That's really a great question
15 because that's really what got us out initially. And
16 that's kind of what got me out there, because I'm in
17 charge of major projects, and one of them is the inland
18 pollution issues that we have with these grows.

19 And historically, we'd have big diesel tanks, and
20 they would spill over and we'd get wardens out there
21 because we'd have fish kills or animal die-outs and
22 whatever, and we'd go to the marijuana grow and we'd go
23 through the procedures, etc. And it was pretty simple
24 because we had the procedures set up to deal with the
25 pollution that's oil or petroleum products. We go through

1 Fish and Game. We have a small fund that deals with most
2 of that, but most of the money goes to the federal EPA.

3 Well, as the things have changed in the last five
4 years, we see much more of what would be litter, debris,
5 Hazmat pollution as opposed to the diesel tanks that we're
6 used to in the past.

7 So yeah, the pollution is a big aspect, and that's
8 what gets us out there. But as you are going to see with
9 the photos, the wildlife destruction is just immense.

10 I mean, we just had a major bust that we did last
11 week. We've actually had two. We had a group of game
12 wardens -- it's an operation that's happening in the
13 Central Valley. It's ongoing, and it will be pursued for
14 the next month. We seized approximately 70,000 plants and
15 went through all that eradication. But what's really
16 important to me is the amount of environmental degradation
17 that we got out of that. Because of the intelligence
18 issues right now and the safety issues, many of those
19 photos aren't going to go out until we finish the
20 operations which will probably happen at the end of July,
21 the first part of August. But things have changed.

22 And the pollution, to answer your question, again,
23 yes, that's what got us out there. But now it's
24 everything. It's the habitat destruction. It's the
25 wildlife destruction. It's pretty heinous.

1 BOARD MEMBER CHESBRO: And the marijuana
2 operations are a multiple effect in terms of a variety of
3 different environmental issues besides the dumping of
4 chemicals or pesticides or whatever.

5 CAPTAIN HAMILTON: Like I said, it started off for
6 us simply as a pollution issue with the diesel tanks, and
7 the operations -- marijuana grows in the last few years
8 have changed the way they do operations. Historically,
9 they were done on private property, and they were done
10 with large landowners who had lease-type people come in
11 and do the grows. And now, you basically have what's
12 called the Mexican cartels or the gangs from south of the
13 border that come up and they go onto public land, and it's
14 just a different atmosphere and a different type of
15 marijuana production.

16 CHAIRPERSON MULÉ: So what are you doing to deter
17 future activity?

18 CAPTAIN HAMILTON: Well, I think Wes brought it
19 up, and this is one of the key components is that what's
20 happened over the last few years is that we go in and with
21 CAMP -- I don't know how familiar you are with CAMP, but
22 that's basically our California Against Marijuana
23 Production. It's through the DOJ, and Fish and Game is a
24 big part of that because of our experience in the rural
25 areas. And we go in there and we do the raids and it's

1 just about plant counts, historically. It hasn't been
2 about the environmental issues.

3 And so we were focused in on that. And that has
4 really changed as we see what really is happening now.

5 And again, if you could -- the question again was?

6 CHAIRPERSON MULÉ: I was just asking, what will
7 you do to deter the activity in the future?

8 CAPTAIN HAMILTON: I see. Sometimes I go way off
9 on tangents.

10 To deter them is what Wes brought up, is that
11 basically by removing a lot of this infrastructure,
12 because as we are doing it, or we have done it, we've just
13 left the stuff. And now, for example, the last operation
14 we just did last week, we had just -- I can't tell you how
15 much pipe dripping that they used and the amount of -- you
16 can see in the photos, there's quite a bit of different
17 debris and whatnot. And now we're chopping it up, we're
18 putting it in piles, and they are in extremely rugged
19 areas. I mean, these areas -- there's a reason they go
20 there.

21 And so what we're doing is, we're making it --
22 we're foreseeing it in the future that we're going to try
23 to remove these things, so that's what we're doing now is,
24 by doing that, it's going to prevent them from coming back
25 and setting up shop.

1 CHAIRPERSON MULÉ: Thank you.

2 Any other questions?

3 MEMBER PEACE: Do you get any funding help from
4 the US EPA?

5 CAPTAIN HAMILTON: That was one of our first
6 knocks on the door, because I work with them quite a bit.
7 They are really helpful when it comes to patrolling
8 product issues and some of the other Hazmats that we deal
9 with.

10 They are ready when we have Hazmat issues. They
11 are online. And basically what I am seeing, hopefully for
12 us, is that basically we have a program that would kind of
13 cobble together agencies that have different
14 responsibilities. And it's very difficult; we don't have
15 the staffing. I don't know how we're going to do it, but
16 we're going to try to do it because we have that moral
17 responsibility, I believe, to do it.

18 And so at this point, they are involved. We
19 haven't used them yet, but we just started this season, so
20 we'll see.

21 MEMBER PEACE: How many spots right now, that you
22 are aware of, need to be cleaned up?

23 CAPTAIN HAMILTON: That's a great question because
24 I've asked that question too.

25 We're looking at 1500-plus that have raids done,

1 where there was no cleanup done. However, what we're
2 doing is we're triaging them now and looking at the worst.
3 And I actually have some lieutenants that work for me
4 statewide that they are actually doing that. And we have
5 a list, and we're just picking the ones right now that are
6 the worst, and then we'll move on from there.

7 So we do -- in fact, in Siskiyou, Shasta County,
8 which is some of the worst production areas that we've had
9 in the last few years, we have some sites identified right
10 now. And hopefully, we can start this at the late summer,
11 after the production of marijuana is finished and the
12 sites are safe, and we can get out and work, probably, in
13 September, maybe October, before the snows come.

14 MEMBER PEACE: And you will be using your own
15 contractors and the Conservation Corps.

16 CAPTAIN HAMILTON: Well, that's what we're trying
17 to do is use the Conservation Corps and everyone else that
18 we can cobble together.

19 And some of the worst things -- I wish I could
20 show you some of the new photos, because they basically
21 took a creek and destroyed it and created, made, it into a
22 big pond to feed the marijuana. What we're going to have
23 to do is train our wardens to be, I guess, construction
24 workers and we're basically going to use them, because
25 it's a tough haul in. And our wardens are trained on what

1 is called stay boats, short term, airborne operations
2 where they fly in on helicopters and they drop down.
3 We're going to use them to just kind of triage those sites
4 and open the creeks back up.

5 And we'll let the Feds kind of deal with the
6 long-term issues of restoration and those things.

7 But that's what we're doing now.

8 MEMBER PEACE: Well, thank you.

9 CAPTAIN HAMILTON: You're welcome.

10 Thank you. I really appreciate your consideration
11 again.

12 CHAIRPERSON MULÉ: Chair Brown?

13 MEMBER BROWN: Move Resolution 2008-121.

14 MEMBER PEACE: Second.

15 CHAIRPERSON MULÉ: Moved by Chair Brown, seconded
16 by Board Member Peace.

17 Call the roll, Donnell.

18 EXECUTIVE ASSISTANT DUCLO: Brown?

19 MEMBER BROWN: Aye.

20 EXECUTIVE ASSISTANT DUCLO: Peace?

21 MEMBER PEACE: Aye.

22 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

23 CHAIRPERSON MULÉ: Aye.

24 We'll put that on fiscal consent.

25 Thanks, Wes.

1 SUPERVISOR MINDERMANN: Not done yet.

2 CHAIRPERSON MULÉ: I know you're not, but we're
3 just thanking you for that item.

4 Onward.

5 PROGRAM DIRECTOR RAUH: I think I'll just go ahead
6 and introduce this next one, Wes.

7 CHAIRPERSON MULÉ: Onward.

8 PROGRAM DIRECTOR RAUH: You're on a roll.

9 SUPERVISOR MINDERMANN: Madam Chair and members of
10 the Committee, Agenda Item 9 -- and I don't have my -- the
11 agenda before me, so I'm not sure which agenda item it is
12 with respect to this committee. I've lost track.

13 PROGRAM DIRECTOR RAUH: J.

14 SUPERVISOR MINDERMANN: It's J. Okay.

15 Is for the Integrated Waste Management Board to
16 consider and approve the mitigated negative dec for the
17 Infineon Raceway Tire Removal Project, which is located in
18 Sonoma County.

19 This is a project for which the Integrated Waste
20 Management Board has assumed the role as lead agency with
21 respect to compliance with the California Environmental
22 Quality Act.

23 The Infineon Raceway tire site is among the seven
24 group 1 waste tire sites that have been issued cleanup and
25 abatement orders and is eligible for negotiated cost

1 recovery with respect to the cost of the Board's removal
2 of the tires at the site.

3 The representatives are currently working on
4 obtaining the required permits for the tire remediation
5 work at the place, at the location. Compliance with the
6 California Environmental Quality Act is an integral part
7 of obtaining those permits, and a notice of determination
8 needs to be filed before several key permits may be
9 issued. Without these permits, the remediation project
10 may not begin.

11 The initial study evaluated potential
12 environmental impacts associated with the proposed project
13 and demonstrated that on the basis of substantial evidence
14 that although the project, proposed project, could have a
15 significant effect on the environment, there will not be a
16 significant effect because revisions have been made or
17 mitigation measures have been incorporated and agreed to.

18 The mitigated negative dec was circulated for
19 review from April 15, 2008, through May 27, 2008, and we
20 received no comments.

21 The mitigated negative dec is now before the Board
22 for consideration and adoption. Once it had been adopted,
23 a notice of determination will be filed with the Office of
24 Planning and Research.

25 Staff recommend that the Board adopt the mitigated

1 negative dec and approve Resolution 2008-123.

2 CHAIRPERSON MULÉ: Thank you.

3 Any questions on this one? No?

4 Do I have a motion?

5 MEMBER BROWN: Move Resolution 2008-123.

6 MEMBER PEACE: Second.

7 CHAIRPERSON MULÉ: It was moved by Chair Brown,

8 seconded by Board Member Peace.

9 Call the roll, Donnell.

10 EXECUTIVE ASSISTANT DUCLO: Brown?

11 MEMBER BROWN: Aye.

12 EXECUTIVE ASSISTANT DUCLO: Peace?

13 MEMBER PEACE: Aye.

14 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

15 CHAIRPERSON MULÉ: Aye.

16 Okay. We can put that one on consent as well.

17 Okay. Thank you.

18 Last item.

19 PROGRAM DIRECTOR RAUH: I don't think we have an

20 item, do we?

21 CHAIRPERSON MULÉ: We don't? Okay. Oh, that was

22 it. I'm sorry.

23 PROGRAM DIRECTOR RAUH: That was it. You scared

24 me.

25 CHAIRPERSON MULÉ: No, no, no. I'm sorry.

1 Eight goes to full board.

2 Sorry.

3 PROGRAM DIRECTOR RAUH: I forget a lot of things.

4 I thought, whoa, where did this item come from?

5 CHAIRPERSON MULÉ: Okay. We're done for this.

6 Any other public comment?

7 Okay. This meeting is adjourned.

8 Thank you.

9 (The California Integrated Waste Management
10 Board, Permitting & Compliance Committee,
11 was adjourned at 3:06 p.m.)

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CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing California Integrated Waste Management Board, Permitting and Compliance Committee meeting, was reported in shorthand by me, Kathryn S. Swank, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said meeting nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of July 2008.

KATHRYN S. SWANK, CSR
Certified Shorthand Reporter
License No. 13061